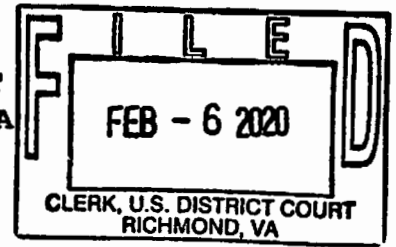


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



JIMMIE HANK DAVIS, JR.,

Plaintiff,

v.

Civil Action No. 3:19CV914

HAROLD W. CLARKE

Defendant.

**MEMORANDUM OPINION**

By Memorandum Order entered on December 18, 2019, the Court conditionally docketed the action. At that time, the Court directed Jimmie Hank Davis, Jr. to affirm his intention to pay the full filing fee by signing and returning a consent to collection of fees form. The Court warned Davis that a failure to comply with the above directive within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Davis has not complied with the order of this Court. Davis failed to return the consent to collection of fees form. As a result, he does not qualify for in forma pauperis status. Furthermore, he has not paid the statutory filing fee for the instant action. See 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion  
to Davis.

/s/ REP  
Robert E. Payne  
Senior United States District Judge

Date: February 6, 2020  
Richmond, Virginia